IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 189 OF 2005

Shri.Rajkumar Shankarlal Verma ..Petitioner

Vs.

Master Sarish Rajkumar Verma
and Ors.

....

Mr.V.S.Kapse for Petitioner
Mrs.S.R.Verma mother of respondent
nos.1 and 2 present in person

....

CORAM : B.H.MARLAPALLE,J.
DATE : MARCH 23,2005

P.C.:

1. Heard Mr.Kapse, the learned counsel for the petitioner-husband who is aggrieved by the order dated 1.9.2004 passed by the learned Principal Judge of the Family Court at Mumbai below application at Exh. 11 which is registered as Interim Application NO.64 of 2004 in Petition No.A-1720 of 2004.

2. By the said application, the respondent-wife had claimed interim maintenance for the two minor children who are under her care and custody. She had pointed out that for both the children, she needed an amount of Rs.8000/- per month. The husband filed his reply and though showed his inclination to contribute some amount for the maintenance of his children, he

claimed that the amount claimed was exorbitant. The family Court has granted an amount of Rs.3000/- per month for each of the children. The husband feels this amount as exorbitant and grossly disproportionate to his net salary. It is also contended that both the parents are responsible for upbringing of the minor children and therefore, they must share the expenses in proportionate with their respective earnings. Reliance in this regard has been placed on the decision of the Supreme Court in the case of *Padma Sharma Vs. Ratan Lal Sharma [AIR 2000 SC 1398]*.

3. The salary certificates of both the parents were placed before the family Court. The husband's gross monthly salary is Rs.18,329/- whereas the wife's monthly salary was shown at Rs.14,000/-. In his reply filed before the Family Court, the husband agreed that his son Sarish is a student of Cambridge School at Kandivli and so also the minor daughter Vaishnavi. For each of the children, the school fees came to Rs.17,314/- per annum thus, total of about Rs.34,680/- for both the children. In addition, the expenses for school uniforms, books, transportation, clothings etc. were claimed at Rs.5000/- per month by the mother for each child. Taking into consideration the costs of living in Mumbai and outgoings of fees etc. for the children, it appears

that the family Court has accepted and fixed the monthly expenses at Rs.5000/- for each of the two children. The husband has been directed to contribute Rs.3000/- per month and obviously, the balance amount of Rs.2000/- has been treated to be the mother’s contribution. The assessment so made by the family Court is reasonable and it cannot be termed as perverse or manifestly erroneous calling for any interference at the hands of this Court.

4. The petition is therefore, rejected summarily.

[B.H.MARLAPALLE,J.]